



DEPARTMENT OF THE ARMY

U.S. Army Corps of Engineers  
WASHINGTON, D.C. 20314-1000

REPLY TO  
ATTENTION OF:

CEPR-P (715)

10 FEB 1995

MEMORANDUM FOR COMMANDER, MAJOR SUBORDINATE COMMANDS, DISTRICT  
COMMANDS, FIELD OPERATING ACTIVITIES, AND  
LABORATORIES, ATTN: DIRECTOR\CHIEF, CONTRACTING  
DIVISION

SUBJECT: PARC Instruction 95-4, Defense Grant and Agreement  
Circular 94-1A, Military Recruiting on University Campuses

1. Reference SARD-PP memorandum of 27 Jan 95, and enclosures, SAB.
2. The subject enclosed circular which changes the DoD Grant and Agreement Regulations (DoDGARs)(DoD 3210.6-R), is forwarded for immediate implementation. It applies to all grants and cooperative agreements when institutions of higher learning may be the recipients.
3. The subject circular provides a clause for award documents, and also includes a notice to be used in program announcements or solicitations under which grants or cooperative agreements may be awarded.
4. Addressees will ensure distribution of this PARC Instruction 95-4 to their legal offices.
7. POC is Dave Petersen, telephone number is 202-272-8647.

FOR THE COMMANDER:

Encl

DAVID B. THEIMER  
Colonel, FA  
Acting Principal Assistant  
Responsible for Contracting



DEPARTMENT OF THE ARMY  
OFFICE OF THE ASSISTANT SECRETARY  
RESEARCH DEVELOPMENT AND ACQUISITION  
103 ARMY PENTAGON  
WASHINGTON DC 20310-0103



REPLY TO  
ATTENTION OF  
SARD-PP

27 JAN 1995

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Defense Grant and Agreement Circular 94-1A,  
Military Recruiting on University Campuses

Forwarded for your information and immediate implementation is subject Defense Grant and Agreement Circular (DGAC), the first issuance under the Defense Grant and Agreement Regulatory System as a change to the DoD Grant and Agreement Regulations (DoDGARs) (DoD 3210.6-R) dated February 4, 1994. This coverage was issued as an interim rule in the Federal Register at 60 FR 4544-45, dated January 24, 1995.

Unlike some parts of the DoDGARs, deviations from this requirement are not authorized, nor may any word changes be made in the carefully crafted language except to the extent indicated in the coverage at 32 CFR §23.1. Because it implements section 558 of Public Law 103-337 (National Defense Authorization Act for FY95), it applies to all grants and cooperative agreements when institutions of higher learning are the recipients. When such institutions are part of a consortium, confederation or similar teaming arrangements, the clause will be included if the institution is the lead member or a co-signatory. As a minimum, affected institutions holding existing grants and cooperative agreements shall be informed about this statutory provision by letter or by amendment of their grant or agreement.

The language should also be included, as appropriate, in BAAs, program announcements and solicitations under which grants and/or agreements may be awarded to institutions of higher learning.

I also take this opportunity to alert all Army activities with grant authority that the address previously provided for reporting for grants and other non-procurement instruments (both pre-award and post-award) may be changed. We have also been informed by the OSD Directorate for Information Operations and Reports (DIOR), Washington Headquarters Services, that some Army activities are reporting directly to DIOR, although some reports for 1st quarter FY95 were not received. Activities with grant



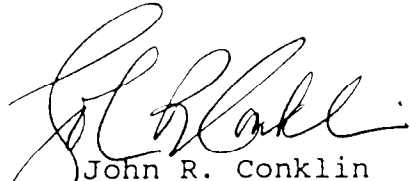
authority will be informed as soon as possible of any permanent changes in this regard.

This first DGAC also gives me a chance to provide an update on the DoDGARs completion and the DAU/ALMC Course GRT 101, *Award and Management of Grants and Cooperative Agreements*. On January 31, the DoDGARs Working Group will meet to discuss the latest draft DoDGARs which includes coverage on implementing our new 10 U.S.C. §2358 and §2371 authority for research and development grants cooperative agreements and other transactions, as well as innovative cooperative agreements with commercial (for profit) firms. Our goal is to get a coordinated DoDGARs to OMB for coordination in February, a necessary step to publication for public comment in the Federal Register. The same small DoD group has also been asked to meet the same day with two commercial firms, who have written in to OSD, to discuss their perceptions that the Services are unduly "conservative" (as compared with ARPA) in our use of "other transactions;" and to get their ideas on changes to the DoDGARs.

On February 1, 1995, an all day "murder board" session is scheduled to review the improved Grants course text/curriculum, prior to the start of the first official (non-pilot) class on February 27th. Preparation for this course has not been easy, in part because the train is moving and the law changed at least three times since the effort began. It looks like things are quieting down for the moment, and the growing number of new potential grants officers to be trained will get their chance.

**Contracting activities with subordinate contracting offices to whom grant authority has been delegated, please ensure prompt distribution of this memorandum to those offices. Further request that a copy be provided to supporting counsel, policy offices and laboratory management as appropriate.**

If you have questions or problems call me at DSN 227-0723 or commercial 703/697-0723. Army General Counsel POC is Mr. Don Remy at DSN 227-5155 and commercial 703/697-5155.

  
John R. Conklin  
Deputy for Procurement Policy

Enclosure



OFFICE OF THE DIRECTOR OF  
DEFENSE RESEARCH AND ENGINEERING  
3040 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-3040



25 JAN 1995


MEMORANDUM FOR DEPUTY ASSISTANT SECRETARY OF THE ARMY  
(PROCUREMENT)  
CHIEF OF NAVAL RESEARCH  
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE  
(CONTRACTING)  
DIRECTOR, CONTRACTS MANAGEMENT OFFICE, ARPA  
DEPUTY DIRECTOR (ACQUISITION), DLA  
DEPUTY GENERAL COUNSEL, DISA  
DIRECTOR, ACQUISITION MANAGEMENT, DNA  
CHIEF, RESEARCH AND TECHNOLOGY, NSA  
DIRECTOR, OFFICE OF ECONOMIC ADJUSTMENT, OUSD(A&T)  
PRESIDENT, USUHS

SUBJECT: Defense Grant and Agreement Circular 94-1A (Amended)

This is a corrected version of the first Defense Grant and Agreement Circular (DGAC) that I sent to you yesterday (see attached memorandum), to transmit a rule concerning military recruiting on university campuses. The Circular provided new pages 23-1 and 23-2 for insertion into the interim-guidance version of the DoD Grant and Agreement Regulations (DoDGARs). Unfortunately, one line of text was omitted from the top of the new page 23-2.

Attached is a corrected set of pages 23-1 and 23-2, for transmission to offices within your Department or Agency that award or administer grants and cooperative agreements. The corrected pages may be distinguished from those sent yesterday by the DGAC number and date at the upper left of the two DoDGARs pages.

I regret any inconvenience this error may have caused.

  
Jasper C. Lupo  
Director for Research

Attachments

cc: Director, Accession Policy, OUSD(P&R)  
Director, Accounting Policy, OUSD(C)  
Chief, Contract Pay Division, DFAS  
Assistant Director, Policy and Plans, DCAA  
Assistant Inspector General (Audit Policy and Oversight)





OFFICE OF THE DIRECTOR OF  
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WASHINGTON, D.C. 20301-3040



24 JAN 1995

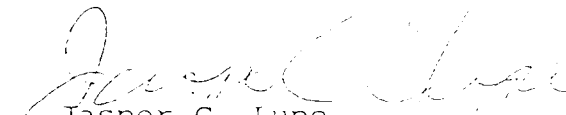
MEMORANDUM FOR DEPUTY ASSISTANT SECRETARY OF THE ARMY  
(PROCUREMENT)  
CHIEF OF NAVAL RESEARCH  
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE  
(CONTRACTING)  
DIRECTOR, CONTRACTS MANAGEMENT OFFICE, ARPA  
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CHIEF, RESEARCH AND TECHNOLOGY, NSA  
DIRECTOR, OFFICE OF ECONOMIC ADJUSTMENT, OUSD(A&T)  
PRESIDENT, USUHS

SUBJECT: Defense Grant and Agreement Circular 94-1

This is the first Defense Grant and Agreement Circular under the interim-guidance version of the DoD Grant and Agreement Regulations (DoDGARs) that the Director of Defense Research and Engineering (DD&RE) issued in February, 1994. It transmits a rule concerning military recruiting on university campuses.

The DDR&E approved the attached, interim rule to implement section 558 of the National Defense Authorization Act for Fiscal Year 1995 [Public Law 103-337 (1994)], as that section applies to grants. The rule was effective immediately upon publication in the Federal Register on Tuesday, January 24, 1995.

Please transmit a notice about this requirement to offices within your Department or Agency that award or administer grants and cooperative agreements. They may remove pages 23-1 and 23-2 from the interim-guidance version of the DoDGARs (DoD 3210.6-R), and insert the attached pages 23-1 and 23-2 in lieu of those removed. Please also note that this rule is in full effect, unlike some other parts of the interim-guidance DoDGARs.

  
Jasper C. Lupo

Attachment

cc: Director, Accession Policy, OUSD(P&R)  
Director, Accounting Policy, OUSD(C)  
Chief, Contract Pay Division, DFAS  
Assistant Director, Policy and Plans, DCAA  
Assistant Inspector General (Audit Policy and Oversight)



NOTE: Part 23 implements a statutory requirement as it applies to grants. Consequently, compliance with these procedures is not discretionary, unlike some other parts in this interim-guidance draft of the DoD Grant and Agreement Regulations. As an interim rule, Part 23 took effect immediately upon being published in the January 24, 1995, Federal Register, in parallel with the public being given the opportunity to comment. The rule will appear in future editions of Title 32 of the Code of Federal Regulations (CFR), at 32 CFR 23. For convenience, the full text of the interim rule published in the Federal Register [at 60 FR 4544-45] is as follows:

PART 23--GRANTS AND AGREEMENTS--MILITARY RECRUITING ON CAMPUS

§23.1 Military recruiting on campus.

(a) Clause for award documents.

(1) Grants officers shall include the following clause in grants and cooperative agreements with institutions of higher education:

"As a condition for receipt of funds available to the Department of Defense (DoD) under this award, the recipient agrees that it is not an institution that has a policy of denying, and that it is not an institution that effectively prevents, the Secretary of Defense from obtaining for military recruiting purposes: (A) entry to campuses or access to students on campuses; or (B) access to directory information pertaining to students. If the recipient is determined, using procedures established by the Secretary of Defense to implement section 558 of Public Law 103-337 (1994), to be such an institution during the period of performance of this agreement, and therefore to be in breach of this clause, the Government will cease all payments of DoD funds under this agreement and all other DoD grants and cooperative agreements, and it may suspend or terminate such grants and agreements unilaterally for material failure to comply with the terms and conditions of award."

(2) If a recipient refuses to accept the clause in paragraph (a)(1) of this section, the grants officer shall determine that the recipient is not qualified with respect to the award, and may award to an alternative recipient.

(b) Language for program solicitations.

(1) To notify prospective recipients of the requirement in the paragraph (a) of this section, grants officers shall

include the following notice in program announcements or solicitations under which grants or cooperative agreements may be awarded to institutions of higher education:

"This is to notify potential proposers that each grant or cooperative agreement that is awarded under this announcement or solicitation to an institution of higher education must include the following clause:

"As a condition for receipt of funds available to the Department of Defense (DoD) under this award, the recipient agrees that it is not an institution that has a policy of denying, and that it is not an institution that effectively prevents, the Secretary of Defense from obtaining for military recruiting purposes: (A) entry to campuses or access to students on campuses; or (B) access to directory information pertaining to students. If the recipient is determined, using procedures established by the Secretary of Defense to implement section 558 of Public Law 103-337 (1994), to be such an institution during the period of performance of this agreement, and therefore to be in breach of this clause, the Government will cease all payments of DoD funds under this agreement and all other DoD grants and cooperative agreements, and it may suspend or terminate such grants and agreements unilaterally for material failure to comply with the terms and conditions of award."

"If your institution has been identified under the procedures established by the Secretary of Defense to implement section 558, then: (1) no funds available to DoD may be provided to your institution through any grant, including any existing grant; (2) as a matter of policy, this restriction also applies to any cooperative agreement; and (3) your institution is not eligible to receive a grant or cooperative agreement in response to this solicitation."

(2) Grants officers may include introductory language with the language in paragraph (b)(1) of this section, to tailor the notice to the circumstances of the particular announcement (e.g., to reflect a Broad Agency Announcement under which a DoD Component would award contracts, as well as grants and cooperative agreements). However, the language and the intent in paragraph (b)(1) may not be changed without the approval of the Director, Defense Research and Engineering [requests for such approval are to be submitted, through appropriate channels, to: Director for Research, ODDR&E(R), 3080 Defense Pentagon; Washington, D.C. 20301-3080].